DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03/28/08 has been entered.

Response to Arguments

2. Applicant's arguments/amendment with respect to claims 4-12 have been considered but are moot in view of the new ground(s) of rejection.

With respect to claims 4-12 rejected under 35 U.S.C. 102(e) as being anticipated by **DeWeese et al (2005/0262542)**, applicant amendments claims, adds new claims and argues that, the prior art of records fail to teach the amended claimed limitations, i.e., "...based on at least a profile and viewing data from the other users matching at least a profile and viewing data of the first use, selecting a most adequate second user among said other users for communication with the first user..."

In response, Examiner disagrees. Examiner notes applicant's arguments, however, DeWeese teaches the chat group that a user joins may be determined by the user or automatically by the chat system. DeWeese further discloses limiting the chat to specific individuals based on their interest and furthermore the chat system performs

filtering (based on interest or preferences of the user, where the preferences includes specific individuals (using an address book or buddy list)) and also restrict access to a chat group to only users of TV equipment. The filtering allows the chat system to search and direct the chat (real-time written, audio, or video (with audio or silent)) to appropriate recipient(s) or specific individual(s) as indicated in the profile (page 12, [0127], [0130-0139]). Furthermore as previously discussed, when a user tunes to a TV channel of an in-progress program, the user/receiver (based on the setup) transmits a message (containing user's profile: tune channel/program) to the chat server (which stores data relating to the tuned channel/program of the receiver), and based on this profile data and profile data matching other users, the chat server automatically searches and selects current participants (may be limited to maximum number), selects a participant among the participants for communication with the user or the participant based on the received profile data (tuning information: channel/program of the receiver) and links the user(s) to the chat group to enable the users to chat on the in-progress program. The chat server enables users on a specific tune channel to chat, and maintains anonymous communication between a user and other users without including identity data in the transmission (page 11, [0120-0124] and [0126-0129]). Hence applicant's amended claims do not overcome the prior art of records. The amendment to the claims necessitated the new ground(s) of rejection discussed below. **This office action is non-final.**

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
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> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 4-8 and 10, 13 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by **DeWeese et al (2005/0262542).**

As to claim 4, note the **DeWeese** reference figure 1A, discloses television chat system 10 (page 3, [0051-0053]) and further discloses method for establishing communications between at least two users in a system comprising at least two television (TV) receiver terminals (User TV Equipment 'User-TVE' 20) and a server (TV Distribution Facility 'TV-DF' 16) linked to the TV receiver terminals by a network (NW 24) comprising the steps of:

(By selecting YES icon 276 via user interface 'UI' 270, fig.13 or icon 402 via UI 400, fig.21) receiving by the server (Chat Server, which receives/stores data from the two users data relative to a respective program watched) from a first user (page 4, page 4, [0062-0063], page 10, [0112] and page 14, [0139]) of a first TV receiver terminal (User-TVE 20, page 4, [0059-0060]), data (tuned channel and profile) associated with a program watched by the user on the terminal; a microprocessor of User-TVE 20

transmits data relative to the program watched by the user on the terminal to the server along with the request for the connection; informing the server (Chat Server) that a first user wishes to communicate with another user(s); searching, by the server, for other users who have sent data indicating that they are watching the program (page 9, [0101-0106] and [0112-0129]);

Based on at least a profile and viewing data from the other users matching at least a profile and viewing data of the first user, selecting a most adequate second user among the other users for communication with the first user; and establishing a communication between the first user and the second user through the chat server, where the chat server searches for users of the chat group of the tuned channel and links the user to the chat group to enable the users to chat on the in-progress program. The chat server enables users on a specific tune channel to chat, and maintains anonymous communication between a user and other users without including identity data in the transmission (figs.10, 13-17, page 9, [0101-0106], page 10, [0112-0117], [0119-0121], [0123-0124], [0126-0129] and, page 14, [0140-0143]), note that the chat system, limits the chat to specific individuals based on their interest and furthermore the chat system performs filtering (based on interest or preferences of the user, where the preferences includes specific individuals (using an address book or buddy list)) and also restrict access to a chat group to only users of TV equipment. The filtering allows the chat system to search and direct the chat (real-time written, audio, or video (with audio or silent)) to appropriate recipient(s) or specific individual(s) as indicated in the profile (page 12, [0127], [0130-0139]). Furthermore the chat group that a user joins may be

determined by the user or automatically by the chat system. When a user tunes to a TV channel of an in-progress program, the user/receiver transmits a message (containing user's profile: tune channel/program) to the chat server (which stores data relating to the tuned channel/program), and based on this profile data and profile data matching other users, the chat server automatically searches and selects current participants (may be limited to maximum number) selects a participant among the participants for communication with the user or the participant based on the received profile data (tuning information: channel/program) and links the user(s) to the chat group to enable the users to chat on the in-progress program.

As to claim 5, DeWeese further discloses sending a stopping signal from a TV receiver terminal of the user to the server, sending a disconnection signal from the server to the other users communicating with the first user (page 11, [0116-0117] and [0120-0121]); and further to the communication, storing in the server a list comprising user identifications and archiving in the terminal a connection reference relative to the communication (page 6, [0076-0077], [0086-0088] and [0095-0096]).

As to claim 6, DeWeese further discloses a method comprising the step of re-establishing a communication between at least the two of these users following a request of one of the users, the step sending by one of the users to the server the connection reference, searching in the server the list of users corresponding to the connection reference, establishing a communication between this user and another user of this list (page 8, [0094-0096], [0103], [0131-0132] and [0135-0139]).

As to claim 7, the claimed "Server device for establishing communications..." is composed of the same structural elements that were discussed with respect to the rejection of claim 4.

Claim 8 are met as previously discussed with respect to claims 5-6.

As to claim 10, DeWeese further discloses where the communication is established over the telephone network to communicate audio between the users (page 9, [0104]).

Claim 13 is met as previously discussed with respect to claims 5-6.

Claim 14 is met as previously discussed with respect to claims 5-6.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q. Shang** whose telephone number is **571-272-7355**. The examiner can normally be reached on **700am-400pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC) at 866-217-9197 (toll-free)**. If you would like assistance from a **USPTO Customer Service Representative** or access to the automated information system, **call 800-786-9199 (IN USA OR CANADA) or 571-272-1000**.

/Annan Q Shang/

Primary Examiner, Art Unit 2623

Annan Q. Shang